

Prob 12C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION FOR WARRANT OR SUMMONS FOR
OFFENDER UNDER SUPERVISION**

Offender Name: Francisco LUJAN-CARPIO
aka Francisco Rene Lujan-Carpio

Docket Number: 2:05CR00029-001

Offender Address: Arizona Detention Facility

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 06/29/2005

Original Offense: 8 USC 1326(a) - Deported Alien Found in the United States (CLASS C FELONY)

Original Sentence: 9 months BOP; 3-year TSR; \$100 Special Assessment

Special Conditions: Warrantless search; If deported, defendant shall not return to the United States without consent of the Secretary of the Department of Homeland Security, upon any re-entry, defendant shall report to the United States Probation Office within 72 hours; DNA collection.

Other Court Action: None

Type of Supervision: Supervised Release

Supervision Commenced: 10/20/2005

Assistant U.S. Attorney: Michael Beckwith **Telephone:** (916) 554-2700

Defense Attorney: Mark Reichel, AFD **Telephone:** (916) 498-5700

RE: Francisco LUJAN-CARPIO
Docket Number: 2:05CR00029-001
PETITION FOR WARRANT OR SUMMONS
FOR OFFENDER UNDER SUPERVISION

PETITIONING THE COURT

- ☒ **TO ISSUE A WARRANT**
☐ **TO ISSUE A SUMMONS**
☐ **OTHER:**

The probation officer alleges the offender has violated the following condition(s) of supervision:

Charge Number Nature of Violation

Charge 1: NEW LAW VIOLATION

On or about November 1, 2005, the defendant was arrested near Sierra Vista, Arizona, for a violation of 8 USC 1326 - Deported Alien Found in the United States. A criminal complaint was filed in the District of Arizona, Tucson Division, Docket Number CR05-06934. The matter is pending. His re-entry is in violation of the general condition directing him not to commit any other federal, state, or local crime.

Justification: The defendant is a flight risk as evidenced by his illegal status in the United States. It is recommended a warrant be issued and placed as a detainer.

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Bail/Detention: It is recommended the defendant be held without bail.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: November 8, 2005
Sacramento, California
KAM:kam

Respectfully submitted,

/s/ kam
KAREN A. MEUSLING
Supervising United States Probation Officer
Telephone: (916) 930-4321

RE: Francisco LUJAN-CARPIO
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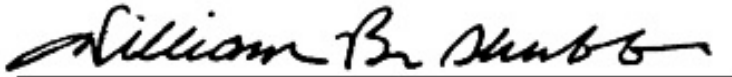
THE COURT FINDS PROBABLE CAUSE AND ORDERS:

(X) The issuance of a warrant (x) No Bail

FURTHER PROCEEDINGS REGARDING CUSTODY:

(x) Initial appearance and detention hearing before Magistrate Judge.

Date: November 9, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

cc: United States Probation
Michael Beckwith, Assistant United States Attorney
Mark Reichel, Assistant Federal Defender
United States Marshal Service

Attachment: Presentence Report (Sacramento only)

**STATEMENT OF EVIDENCE OF ALLEGED
SUPERVISED RELEASE VIOLATIONS**

Honorable William B. Shubb
United States District Judge
Sacramento, California

RE: Francisco LUJAN-CARPIO
Docket Number: 2:05CR00029-001

Your Honor:

In addition to a copy of the **Judgment and Commitment Order**, the following evidence and/or testimony will be offered to support the probation officer's allegation that the above-named releasee is in violation of the conditions of supervision as stated on the attached Probation Form 12C - Petition for Warrant or Summons for Offender Under Supervision.

Charge 1: NEW LAW VIOLATION

A. Evidence:

- (1) Criminal Complaint dated November 2, 2005, Docket Number 05-06934, in the District of Arizona, Tucson Division, alleging a felony violation of 8 USC 1326 - Deported Alien Found in the United States.
- (2) FBI rap sheet reflecting Lujan-Carpio's arrest in Tucson, Arizona, on November 1, 2005, for violation of immigration laws.

B. Witnesses:

- (1) None.

Respectfully submitted,

/s/ kam

KAREN A. MEUSLING
Supervising United States Probation Officer

RE:

Docket Number:
STATEMENT OF EVIDENCE

DATED: November 8, 2005
Sacramento, California
KAM:kam

REVOCATION GUIDE - SUPERVISED RELEASE

Offender Name: Francisco LUJAN-CARPIO **Docket Number:** 2:05CR00029-001

Date of original offense: 01/03/2005

Original term of supervised release imposed: 3 years

Highest grade of violation alleged: B

Criminal History Category of offender: V

Chapter 7 range of imprisonment: 18 to 24 months

Maximum term on revocation - 18 USC 3583(e)(3): *(choose one below)*

X **Class C and D felonies: 2 years**

Violation requires mandatory revocation: YES: ___ NO: X.

Original offense committed after 09/13/94: Court may sentence up to the statutory maximum term of supervised release applicable to the original offense of conviction, but not exceed the maximum for the classes of offenses noted above. Court must consider but is not bound by Chapter 7 ranges. Upon revocation, the court may re-impose supervised release; however, the term is limited to the statutory maximum authorized under Title 18 USC 3583(e)(3) for the original offense of conviction, less the term of imprisonment imposed upon revocation.

MANDATORY REVOCATION ISSUES

Original offense committed after 09/13/94: Title 18 USC 3583 instructs that supervision shall be revoked upon a finding of: 1) Possession of a controlled substance; 2) Possession of a firearm; or, 3) Refusal to comply with mandatory drug testing. If the violation involves the use of a controlled substance, the Court has the discretion to find that "use" constitutes "possession."

Positive/Failed Drug Tests after 11/02/2002: Title 18 USC 3583(g) amended and instructs that supervision be revoked for: Testing positive for illegal controlled substances more than three times over the course of one year.